

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON SMITH,

Plaintiff,

v.

TOM WOLFE,

Defendant.

CASE NO. C19-6187RBL

ORDER

THIS MATTER is before the Court on Plaintiff Smith's amended proposed complaint, filed in support of his motion for leave to proceed in forma pauperis. The Court initially denied Smith's Motion, because he did not state a plausible claim. Smith's revised effort does not address the shortcomings; it explains that he is "not accustomed" to the standard against which this Court must measure a proposed complaint before it will permit a pro se plaintiff to commence a lawsuit without paying the filing fee.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad

1 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil
2 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th
3 Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed
4 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the
5 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
6 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
7 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
8 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
9 1984).

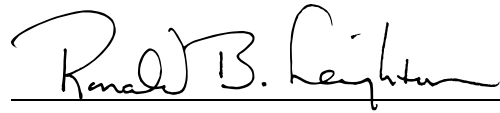
10 A *pro se* Plaintiff’s complaint is to be construed liberally, but like any other complaint it
11 must nevertheless contain factual assertions sufficient to support a facially plausible claim for
12 relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550
13 U.S. 544, 570, (2007)). A claim for relief is facially plausible when “the plaintiff pleads factual
14 content that allows the court to draw the reasonable inference that the defendant is liable for the
15 misconduct alleged.” *Iqbal*, 556 U.S. at 678.

16 Smith has not met this standard, whether he is familiar with it or not. He must articulate
17 the “who what when where and why” of a story that, if true, would entitle him to some relief in
18 this court. The current filings do not leave the court or the defendants with any information about
19 what he is suing about, or why he is doing so in this court. The Motion for leave to proceed in
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1 forma pauperis is DENIED. Smith shall pay the filing fee or file proposed amended complaint
2 within 21 days, or this matter will be dismissed without further notice.

3 IT IS SO ORDERED.

4 Dated this 9th day of March, 2020.

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7 Ronald B. Leighton
8 United States District Judge
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